

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
REQUEST FOR FILING APPLICATION UNDER 37 C.F.R. 1.53(b)
WITHOUT FILING FEE AND/OR WITHOUT EXECUTED INVENTOR'S DECLARATION**

Mail Stop Patent Application

Atty. Dkt. 2558-73

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

This is a request for filing a new PATENT APPLICATION under Rule 53(b) entitled:

A SURGICAL INSTRUMENT

without a filing fee and/or without an executed inventor's oath/declaration.

This application is made by the below identified inventor(s). Attached hereto are the following papers:

Newly executed Declaration, Copy of Declaration from prior application, Abstract
 Please delete the following inventors in the continuation/division/continuation-in-part application:

Deleted persons:

10 pages of specification and claims (including 20 numbered claims), and
 3 sheets of accompanying drawing/s, (including Figs. 1-4B).

Attached is a Power of Attorney.

Priority is hereby claimed under 35 U.S.C. § 119 based on the following foreign applications:

Application Number	Country	Day/Month/Year Filed
0111463.6	UK	10 May 2001

PCT

, respectively, the entire content of which is hereby incorporated by reference in this application..

Certified copy(ies) of foreign application(s) is/are attached.

Certified copy(ies) filed on May 29, 2002 in prior application no. 10/139,638 filed May 7, 2002

This application claims the benefit of Provisional Application No.60/305,097, filed 16 July 2001, the entire content of which is hereby incorporated by reference in this application.

This application is a continuation/ division/ continuation-in-part of Application No.10/139,638, filed May 7, 2002, the entire content of which is hereby incorporated by reference in this application.

Petition filed in prior application to extend its life to insure co-pendency.

The prior application is assigned to Gyrus Medical Limited, Cardiff, United Kingdom

It is hereby requested that the Examiner consider the art cited in the above parent application(s) by applicant and/or the Examiner for the reasons stated therein. A listing of that art is attached, but pursuant to Rule 98(d) copies are not required.

Applicant claims "small entity" status. "Small entity" statement attached.

Please enter the attached and/or below preliminary amendment prior to calculation of filing fee:

Also attached: Information Disclosure Statement; Non-Publication Request; Nucleotide and/or Amino Acid Sequence Submission; Statement deleting Inventor(s) named in prior application; Other: Copy of Original Specification from parent Appln. No. 10/139,638

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See attached sheet(s) for additional inventor(s) information!!

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